

Docket No.: 3749-0124PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Toshio DOI et al.

Application No.: 10/571,511

Confirmation No.: 8941

Filed: January 8, 2007

Art Unit: 1646

For: METHODS FOR IDENTIFYING AGENTS  
FOR PREVENTING OR TREATING  
PROLIFERATIVE DISEASES, AND FOR  
INHIBITING EXTRACELLULAR MATRIX  
OR  $\alpha$ 1 TYPE IV COLLAGEN

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Examiner: E. Kemmerer

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of March 2009 for the above-identified

☒ application ☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

|   | <u>AMOUNT OF<br/>REFUND<br/>REQUESTED</u> |
|---|---|
| <input type="checkbox"/> filing fee   | _____                                     |
| <input type="checkbox"/> search fee   | _____                                     |
| <input type="checkbox"/> examination fee  | _____                                     |
| <input type="checkbox"/> surcharge for filing the basic filing<br>on a date later than the filing date of<br>the application (37 C.F.R. § 1.16(e))        | _____                                     |
| and/or  |   |
| <input type="checkbox"/> surcharge for filing the oath or declaration<br>on a date later than the filing date of the<br>application (37 C.F.R. § 1.16(e)) | _____                                     |
| <input type="checkbox"/> extension of term  |   |
| <input type="checkbox"/> first month  | _____                                     |
| <input type="checkbox"/> second month   | _____                                     |
| <input type="checkbox"/> third month  | _____                                     |
| <input type="checkbox"/> fourth month   | _____                                     |
| <input checked="" type="checkbox"/> excess claims   | <u>364.00</u>                             |
| <input type="checkbox"/> issue fee  | _____                                     |
| <input type="checkbox"/> petition fee   | _____                                     |

|                          |                                  |       |
|--------------------------|----------------------------------|-------|
| <input type="checkbox"/> | patent maintenance fee           | _____ |
| <input type="checkbox"/> | first maintenance fee            | _____ |
| <input type="checkbox"/> | second maintenance fee           | _____ |
| <input type="checkbox"/> | third maintenance fee            | _____ |
| <input type="checkbox"/> | patent maintenance fee surcharge | _____ |
| <input type="checkbox"/> | Other:                           | _____ |
|                          |                                  | _____ |
|                          |                                  | _____ |

TOTAL REFUND REQUESTED

\$364.00

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

According to the count sheet prepared by the USPTO and available on PAIR (Exhibit A), Applicants were charged for 7 excess claims above the previous highest number paid, which was 24, thus making the total count 31 claims, based on Applicants response of February 17, 2009. However, in the fee sheet submitted by Applicants for the Amendment filed on February 17, 2009, Applicants submit that the correct claim count is 41, and thus Applicants were required to pay for 17 excess claims.

APPLICANTS THEREFORE PAID FOR 17 EXCESS CLAIMS ON FEBRUARY 17, 2009. See Electronic filing receipt attached hereto (Exhibit B), where Applicants paid \$390 for having multiple dependent claims, and \$884 for 17 excess claims, totaling \$1,274.00. As such, Applicants timely paid all claim fees, and thus should not have been billed for extra claims on March 11, 2009.

Application No.: 10/571,511

Docket No.: 3749-0124PUS1

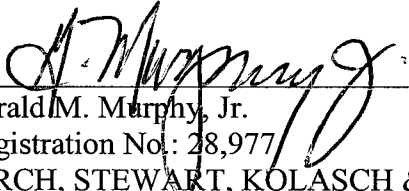
IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: JUL 06 2009

Respectfully submitted,

By   
Gerald M. Murphy, Jr.  
Registration No.: 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachments: Monthly Billing Statement  
Exhibits A and B

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## United States Patent and Trademark Office

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KOLASCH & BIRCH

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Province:

City: FALLS CHURCH

State: VA

Postal code: 22042

Country: UNITED STATES

Telephone: 703-205-8090

Fax:

Balance Amount:

### BIRCH, STEWART, KOLASCH & BIRCH, LLP Mar 2009 Deposit Account Reconciliation

| Date   | Reference No. | Docket Number | PTO Fee Code | BSKB Cost Code | Fee      |
|--------|---------------|---------------|--------------|----------------|----------|
| 11-Mar | 10571511      | 3749-0124PUS1 | 1202         | DAC            | \$364.00 |



PTO/SB/06 (07-06)

Approved for use through 1/31/2007. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

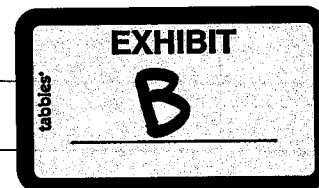
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| <b>PATENT APPLICATION FEE DETERMINATION RECORD</b><br>Substitute for Form PTO-875   |  |   |                                  |              | Application or Docket Number<br><b>10/571,511</b> |  | Filing Date<br><b>01/08/2007</b> |                         | <input type="checkbox"/> To be Mailed |  |                     |                     |                     |  |
|---|--|---|----------------------------------|--------------|---|--|----------------------------------|-------------------------|---------------------------------------|--|---------------------|---------------------|---------------------|--|
| <b>APPLICATION AS FILED – PART I</b>  |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| (Column 1)  |  |   | (Column 2)                       |              |   | SMALL ENTITY <input type="checkbox"/> OR |                                  | OTHER THAN SMALL ENTITY |                                       |  |                     |                     |                     |  |
| FOR   |  | NUMBER FILED  |                                  | NUMBER EXTRA |   | RATE (\$)                                |                                  | FEE (\$)                |                                       |  |                     |                     |                     |  |
| <input type="checkbox"/> BASIC FEE<br>(37 CFR 1.16(a), (b), or (c))   |  | N/A   |                                  | N/A          |   | N/A                                      |                                  | N/A                     |                                       |  |                     |                     |                     |  |
| <input type="checkbox"/> SEARCH FEE<br>(37 CFR 1.16(k), (l), or (m))  |  | N/A   |                                  | N/A          |   | N/A                                      |                                  | N/A                     |                                       |  |                     |                     |                     |  |
| <input type="checkbox"/> EXAMINATION FEE<br>(37 CFR 1.16(o), (p), or (q))   |  | N/A   |                                  | N/A          |   | N/A                                      |                                  | N/A                     |                                       |  |                     |                     |                     |  |
| TOTAL CLAIMS<br>(37 CFR 1.16(i))  |  | minus 20 =  |                                  | *            |   | X \$ =                                   |                                  | OR X \$ =               |                                       |  |                     |                     |                     |  |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(h))  |  | minus 3 =   |                                  | *            |   | X \$ =                                   |                                  | OR X \$ =               |                                       |  |                     |                     |                     |  |
| <input type="checkbox"/> APPLICATION SIZE FEE<br>(37 CFR 1.16(s))   |  | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))  |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| * If the difference in column 1 is less than zero, enter "0" in column 2.   |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| <b>APPLICATION AS AMENDED – PART II</b>   |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| (Column 1)  |  |   | (Column 2)                       |              |   | SMALL ENTITY OR                          |                                  | OTHER THAN SMALL ENTITY |                                       |  |                     |                     |                     |  |
| <b>AMENDMENT</b>  | <b>02/17/2009</b>  |   | CLAIMS REMAINING AFTER AMENDMENT |              | HIGHEST NUMBER PREVIOUSLY PAID FOR                |  | PRESENT EXTRA                    |                         | RATE (\$)                             |  | ADDITIONAL FEE (\$) |                     |                     |  |
|   | Total (37 CFR 1.16(i))   |   | * 31 Minus                       |              | ** 24 =   |  | 7                                |                         | X \$ =                                |  | OR X \$52= 364      |                     |                     |  |
|   | Independent (37 CFR 1.16(h))   |   | * 22 Minus                       |              | *** 22 =  |  | 0                                |                         | X \$ =                                |  | OR X \$220= 0       |                     |                     |  |
|   | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |   |                                  |              |   |  |                                  |                         |                                       |  | OR                  |                     |                     |  |
|   | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |   |                                  |              |   |  |                                  |                         |                                       |  | OR                  |                     |                     |  |
| TOTAL ADD'L FEE   |  |   |                                  |              |   |  |                                  |                         |                                       | OR   |                     | TOTAL ADD'L FEE 364 |                     |  |
| <b>AMENDMENT</b>  | (Column 1)   |   | (Column 2)                       |              | (Column 3)  |  | RATE (\$)                        |                         | ADDITIONAL FEE (\$)                   |  | RATE (\$)           |                     | ADDITIONAL FEE (\$) |  |
|   | Total (37 CFR 1.16(i))   |   | * Minus                          |              | ** =  |  | X \$ =                           |                         | OR X \$ =                             |  | X \$ =              |                     | OR X \$ =           |  |
|   | Independent (37 CFR 1.16(h))   |   | * Minus                          |              | *** =   |  | X \$ =                           |                         | OR X \$ =                             |  | X \$ =              |                     | OR X \$ =           |  |
|   | <input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))                           |   |                                  |              |   |  |                                  |                         |                                       |  | OR                  |                     |                     |  |
|   | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) |   |                                  |              |   |  |                                  |                         |                                       |  | OR                  |                     |                     |  |
| TOTAL ADD'L FEE   |  |   |                                  |              |   |  |                                  |                         |                                       | OR   |                     | TOTAL ADD'L FEE     |                     |  |
| * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.   |  |   |                                  |              |   |  |                                  |                         |                                       | <b>Legal Instrument Examiner:</b><br><b>/EFREM WARREN/</b> |                     |                     |                     |  |
| ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".                                       |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".  |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |
| The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1. |  |   |                                  |              |   |  |                                  |                         |                                       |  |                     |                     |                     |  |

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## Electronic Acknowledgement Receipt



|   |  |
|---|--|
| <b>EFS ID:</b>                              | 4806296  |
| <b>Application Number:</b>                  | 10571511   |
| <b>International Application Number:</b>    |  |
| <b>Confirmation Number:</b>                 | 8941   |
| <b>Title of Invention:</b>                  | Method and Kit for Detecting Proliferative Diseases Causing Sclerosis, Preventive and/or Remedy for Proliferative Diseases Causing Sclerosis and Method and Kit for Identifying Substance Efficacious in Preventing and/or Treating Proliferative Diseases Causing Sclerosis |
| <b>First Named Inventor/Applicant Name:</b> | Toshio Doi   |
| <b>Customer Number:</b>                     | 02292  |
| <b>Filer:</b>                               | Gerald M. Murphy/Benjamin Rice   |
| <b>Filer Authorized By:</b>                 | Gerald M. Murphy   |
| <b>Attorney Docket Number:</b>              | 3749-0124PUS1  |
| <b>Receipt Date:</b>                        | 17-FEB-2009  |
| <b>Filing Date:</b>                         | 08-JAN-2007  |
| <b>Time Stamp:</b>                          | 16:23:45   |
| <b>Application Type:</b>                    | U.S. National Stage under 35 USC 371   |

### Payment information:

|  |                 |
|--|-----------------|
| Submitted with Payment                   | yes             |
| Payment Type                             | Deposit Account |
| Payment was successfully received in RAM | \$1274          |
| RAM confirmation Number                  | 2178            |
| Deposit Account                          | 022448          |
| Authorized User                          |                 |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

**File Listing:**

| Document Number  | Document Description                                  | File Name            | File Size(Bytes)/<br>Message Digest                | Multi Part /.zip | Pages (if appl.) |
|--|---|----------------------|--|------------------|------------------|
| 1  |   | Amendment-Filing.pdf | 565893<br>0c2f7e07e5c75e53e2ca84117e8f5e8ab795a143 | yes              | 14               |
| <b>Multipart Description/PDF files in .zip description</b> |   |                      |  |                  |                  |
|  | <b>Document Description</b>                           |                      | <b>Start</b>                                       | <b>End</b>       |                  |
|  | Miscellaneous Incoming Letter                         |                      | 1  | 1                |                  |
|  | Amendment/Req. Reconsideration-After Non-Final Reject |                      | 2  | 2                |                  |
|  | Specification   |                      | 3  | 3                |                  |
|  | Claims  |                      | 4  | 9                |                  |
|  | Applicant Arguments/Remarks Made in an Amendment      |                      | 10   | 14               |                  |

**Warnings:****Information:**

|   |                        |              |   |    |   |
|---|------------------------|--------------|---|----|---|
| 2 | Fee Worksheet (PTO-06) | fee-info.pdf | 32115<br>f77da2f0446d9cc6112998ed5ee2d406599b490f | no | 2 |
|---|------------------------|--------------|---|----|---|

**Warnings:****Information:**

|                                     |        |
|-------------------------------------|--------|
| <b>Total Files Size (in bytes):</b> | 598008 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.